

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED

2020 SEP 15 P 3:19pm

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL KARMO &  
CODY E. SMITH,

CLERK OF COURT

20-CR-170

Case No. 20-CR-

Defendants.

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. On or about September 1, 2020, in Kenosha County, in the State and Eastern District of Wisconsin,

**MICHAEL KARMO and CODY E. SMITH,**

knowing that Michael Karmo previously had been convicted of crimes punishable by imprisonment for a term exceeding one year, knowingly possessed firearms and aided and abetted Karmo's possession of firearms.

2. The firearms possessed by Karmo previously had been transported in interstate commerce, and the possession of which was therefore in and affecting commerce.

3. The firearms are more fully described as:

- a. A black EP Armory AR-15 with no serial number;
- b. A Mossberg 500 AB 12-Gauge shotgun, bearing Serial Number 086982;
- c. A Taurus PT92AF 9mm handgun, bearing Serial Number TIA60420;

- d. A Ruger 9mm handgun, bearing Serial Number 336-16364; and
- e. A black, cylinder-shaped device with no markings designed and intended to muffle, silence, and reduce the report of a firearm.

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 2.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. On or about September 1, 2020, in Kenosha County, in the State and Eastern District of Wisconsin,

**MICHAEL KARMO and  
CODY E. SMITH**

knowingly possessed a firearm, namely a firearm silencer, which was not registered to either defendant in the National Firearms Registration and Transfer Record.

2. The firearm silencer is more fully described as a black, cylinder-shaped device with no markings.

3. As the defendants knew, the firearm silencer was designed and intended to silence, muffle, and reduce the report of a firearm.

All in violation of Title 26, United States Code, Sections 5861(d), 5871, and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. On or about September 1, 2020, in Kenosha County, in the State and Eastern District of Wisconsin,

**CODY E. SMITH,**

a prohibited person, knowingly possessed firearms that prior to his possession of them, had been transported in foreign and interstate commerce, and the possession of which was therefore in and affecting commerce.

2. Smith was prohibited from possessing firearms and ammunition because, as he knew, he was an unlawful user of controlled substances and he previously had been convicted of a misdemeanor crime of domestic violence in Riverside County (California) Case No. INM-194727.

3. The firearms are more fully described as:

- a. A black EP Armory AR-15 with no serial number;
- b. A Mossberg 500 AB 12-Gauge shotgun, bearing Serial Number 086982;
- c. A Taurus PT92AF 9mm handgun, bearing Serial Number TIA60420;
- d. A Ruger 9mm handgun, bearing Serial Number 336-16364; and
- e. A black, cylinder-shaped device with no markings designed and intended to muffle, silence, and reduce the report of a firearm.

All in violation of Title 18, United States Code, Sections 922(g)(3), 922(g)(9), and 924(a)(2).

**FORFEITURE NOTICE**

1. Upon conviction of a violation of Title 18, United States Code, Section 922(g)(1), 922(g)(3), and 922(g)(9), set forth in Counts One and Three of this Indictment, the defendant(s) shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any firearms, firearm attachments, and ammunition involved in the knowing violation of either or both counts of conviction including, but not limited to the following:

- a. A black EP Armory AR-15, with muzzle device and optic;
- b. A Mossberg 500 AB 12-Gauge shotgun, bearing Serial Number 086982;
- c. A Taurus PT92AF 9mm handgun, bearing Serial Number TIA60420;
- d. Four (4) 30-round 5.56x45 caliber rifle magazines containing various amounts of ammunition;
- e. Two (2) 15-round, 9mm, handgun magazines;
- f. A black Ruger case containing two (2) 17-round, 9mm pistol magazines, fully loaded, plus three (3) 9mm rounds;
- g. Five (5) 12 Gauge shotgun shells;
- h. A black, 9mm magazine, partially loaded;
- i. A black, cylinder-shaped device with no markings designed and intended to muffle, silence, and reduce the report of a firearm.
- j. A Ruger 9mm handgun, bearing Serial Number 336-16364 with one (1) 9mm round in chamber and one (1) magazine containing nine (9) 9mm rounds;
- k. A Remington 9mm Luger FMJ, 115 grain 100-round box with sixty-seven (67) rounds; and
- l. One hundred thirty-one (131) 12 Gauge shotgun shells.

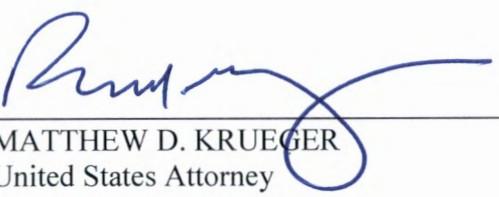
2. Upon conviction of the offense in violation of Title 26, United States Code, Section 5861(d), set forth in Count Two of this Indictment, the defendant(s) shall forfeit to the United States pursuant to Title 26, United States Code, Section 5872, and Title 28, United States Code, Section 2461(c), any firearms, firearm attachments, and ammunition involved in the knowing violation of Section 5861(d), including, but not limited to, a black, cylinder-shaped

device with no markings designed and intended to muffle, silence, and reduce the report of a firearm.

A TRUE BILL:

[Redacted]  
FOREPERSON

Date: September 15, 2020

  
MATTHEW D. KRUEGER  
United States Attorney